

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA

WESTERN DIVISION

No. 5:18-cv-00589-FL

COMMON CAUSE, et.al.,

Plaintiff(s),

v.

DAVID R. LEWIS, In his official capacity as Senior
Chairman of the House Select Committee on
Redistricting, et. al.,

Defendant(s).

**SUPPLEMENTAL REMOVAL COVER
SHEET**

The removing party must complete this Supplemental Removal Cover Sheet and comply with Local Civil Rule 5.3. Attach separate sheets as necessary to provide complete responses.

Section A—Plaintiffs

List the full name of each plaintiff from the state court action and indicate whether the plaintiff is pending (i.e., in case currently), dismissed, or otherwise terminated at the time of removal. If dismissed or terminated, indicate the date of dismissal/termination

Full Name of Plaintiff	Pending at time of removal – Yes/No?	Dismissed or terminated? Yes/No?	Date of Dismissal or Termination
Common Cause	Yes	No	
North Carolina Democratic Party	Yes	No	
Paula Ann Chapman	Yes	No	
Howard Dubose	Yes	No	
See Pg. 5 "Additional Plaintiffs"			

Section B—Defendants

List the full name of each defendant from the state court action and indicate whether the defendant is pending, dismissed or otherwise terminated at the time of removal. If dismissed or terminated, indicate the date of dismissal/termination. If known, indicate if and when each defendant was served with process and whether the defendant joins in the removal.

Full Name of Defendant	Pending at time of removal? Yes/No?	Dismissed or terminated? Yes/No? (If yes, state date of termination)	Has defendant been served with process? Yes/No/Unknown?	If served with process, date of service?	Does the defendant join in removal? Yes/No?
Representative David, R. Lewis in his official capacity as Sr. Chairman of the House Select Committee	Yes	No	Yes	11/20/2018	Yes
Senator Ralph E. Hise, Jr. in his official capacity as Chairmain of the Senate Committee on Redistricting	Yes	No	Yes	11/20/2018	Yes
Speaker of The House Timothy K. Moore	Yes	No	Yes	11/20/2018	Yes
President Pro Tempore of the North Carolina Senate Philip E. Berger	Yes	No	Yes	11/20/2018	Yes
See Pages 6-7 "Additional Defendants"					
See Pages 6-7 "Additional Defendants"					

Section C—Removal pursuant to 28 U.S.C. § 1442(d)(1)

Is only part of the state court action being removed pursuant to 28 U.S.C. § 1442(d)(1)?

Yes ☐ No ☒

If "Yes," specify what portion of the state court action is being removed, and then proceed to the signature page. If "No," proceed to Section D.

Section D—Pending State Court Motions as of Date of Removal

Is there currently a temporary restraining order or preliminary injunction in place in this action from state court? Yes ☐ No ☒

List every known motion pending at the time of removal. Indicate the name of the filer, the date of filing, whether the motion has a supporting memorandum, and whether the motion is time sensitive, such as a motion for preliminary injunction.

Title of Pending Motion	Name of Filer	Date of Filing	Memorandum-- Yes/No?	Time sensitive? Yes/No?
Motion for Expedited Discovery and Trial and For Case Management Order	Plaintiffs	12/12/2018	Yes	No

Section E—Scheduled State Court Hearings as of Date of Removal

Date and Time of Hearing	Hearing Type	Assigned State Court Judge

Date: 12/18/2018

Phillip J. Strach (by/ with permission)

Signature of Attorney for Removing Party or
Unrepresented Removing Party

Printed Name Phillip J. Strach

Law Firm Ogletree Deakins Nash Smoak & Stewart P.C.

Address 4208 Six Forks Road

Suite 1100

Telephone Number 919-787-9700

Fax Number 919-783-9412

Email Address: phil.strach@ogletree.com

State Bar No. N.C. State Bar No. 29456

Additional Plaintiffs

Full Name of Plaintiff	Pending at time of removal Yes/No?	Dismissed or Terminated? Yes/No?	Date of Dismissal or Termination
George David Gauck	Yes	No	
James Mackin Nesbit	Yes	No	
Dwight Jordan	Yes	No	
Joseph Thomas Gates	Yes	No	
Mark S. Peters	Yes	No	
Pamela Morton	Yes	No	
Virginia Walters Brien	Yes	No	
John Mark Turner	Yes	No	
Leon Charles Schaller	Yes	No	
Rebecca Harper	Yes	No	
Lesley Brook Wischmann	Yes	No	
David Dwight Brown	Yes	No	
Amy Clare Oseroff	Yes	No	
Kristin Parker Jackson	Yes	No	
John Balla	Yes	No	
Rebecca Johnson	Yes	No	
Aaron Wolff	Yes	No	
Mary Ann Peden-Coviello	Yes	No	
Karen Sue Holbrook	Yes	No	
Kathleen Barnes	Yes	No	
Ann McCracken	Yes	No	
Jackson Thomas Dunn, Jr.	Yes	No	
Alyce Machak	Yes	No	
William Service	Yes	No	
Donald Rumph	Yes	No	
Stephen Douglas McGrigor	Yes	No	
Nancy Bradley	Yes	No	
Vinod Thomas	Yes	No	
Derrick Miller	Yes	No	
Electa E. Person	Yes	No	
Deborah Anderson Smith	Yes	No	
Rosalyn Sloan	Yes	No	
Julie Ann Frey	Yes	No	
Lily Nicole Quick	Yes	No	
Joshua Brown	Yes	No	
Carlton E. Campbell, Sr.	Yes	No	

Additional Defendants

Full Name of Defendant	Pending at time of removal? Yes/No?	Dismissed or Terminated? Yes/ No? (If yes, state date of termination)	Has Defendant been served with Process? Yes/No/Unknown	If Served with Process, date of service?	Does Defendant join in removal? Yes/No?
The State of North Carolina ¹	Yes	No	Yes	11/20/2018 ¹	Yes
Andy Penry, Chairman of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
Joshua Malcolm, Vice-chair of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
Ken Redmond, Secretary of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
Stella Anderson, Member of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
The North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
Damon Circosta, Member of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown

¹ Pursuant to N.C. Gen Stat. §1-72.2, the legislative branch of North Carolina state government is considered the "State of North Carolina" in actions challenging statutes enacted by the North Carolina General Assembly along with the executive branch of the state government.

Stacy "Four" Eggers, IV., Member of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
Jay Hemphill, Member of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
Valerie Johnson, Member of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
John Lewis, Member of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown
Robert Cordle, Member of the North Carolina State Board of Elections and Ethics Enforcement	Yes	No	Unknown		Unknown

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused the foregoing document to be filed and served on all counsel of record by operation of the CM/ECF system for the United States District Court for the Eastern District of North Carolina. I further certify that on this date, I have also served the foregoing document via US mail counsel for Defendants in the Superior Court case as follows:

James Bernier
Amar Majmundar
Setphanie A. Brennan
NC Department of Justice
P.O. Box 629
114 W. Edenton St.
Raleigh, NC 27602

DATED this the 18th day of December, 2018.

OGLETREE, DEAKINS, NASH,
SMOAK & STEWART, P.C.

By: Phillip J. Strach
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